Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of		
	)	
Amendment of the Amateur Service Rules	**)**	**WT Docket No. 12-283**
Governing Qualifying Examination Systems	**)**	
And Other Matters	**)**	
	)	
Amendment of Part 97 of the	**)**	**RM-11629**
Commission's Amateur Service Rules to	**)**	
Give Permanent Credit for Examination	**)**	
Elements Passed	**)**	
	)	
Amendment of Part 97 of the Commission's	**)**	**RM-11625**
Rules to Facilitate Use in the Amateur Radio	**)**	
Service of Single Slot Time Division	**)**	
Multiple Access Telephony and Data	**)**	
Emissions	**)**	
	)	
Request for Temporary Waiver	**)**	
	)	
Amendment of the Amateur Service Rules	**)**	**WT Docket No. 09-209**
Governing Vanity and Club Station Call	**)**	
Signs	**)**	

To the commission:

Comments of James B. Wiley, KL7CC

Introduction:

I am the Chairman of the Anchorage (Alaska) Amateur Radio Club VEC. I am a member of the Board of Directors of that organization, and have been so for more than 10 years. I

have held Amateur Extra Class license KL7CC since 1974, and have been licensed in the Amateur Service since 1959. I also hold FCC issued General Radiotelephone Operators License PG233025 (originally First Class Radiotelephone P1-11-17384) and 2nd Class Radiotelegraph License T200000187. I am a life member of both the Anchorage Amateur Radio Club and the American Radio Relay League (ARRL). These comments are my own. Other members of the Anchorage VEC have indicated that they will be filing additional comments separately.

General Comments on WT docket 12-283

I am generally in favor of these actions. I do have objections to certain specific portions of the proposed rulemaking in that I believe they are either not sufficiently specific as to provide clear guidance for the Volunteer Examiners (VEs), are unnecessary, or are overly restrictive. Unless specifically noted, I approve of and agree with the proposed rules changes.

Comments on Granting Examination Credit for Expired Amateur Licenses, including Qualification of Applicants, Grace Period for Renewal, and Credit for CSCEs.

Qualification of Applicants

A person making application for a new amateur license based on his or her claim of having been previously licensed should be required to provide some form of proof that he or she is in fact the same person as listed on the expired license document (or other record which

indicates that the person was licensed). In many cases, it is expected that the applicant will be able to produce either an actual expired license or a listing in a publication such as a Callbook that lists the person's name, address, and former call sign, and depending on whether or not the name and address of the applicant matches the documents presented to the VE team, the application can be processed without difficulty. If there is a mismatch of any of the information, such as would happen if the applicant had changed addresses, the applicant should be able to provide a "document trail" proving that the applicant was the same person. If the applicant cannot provide such documentation, they should be required to obtain proof of having held a license previously from the FCC (or other qualified agency or supplier) in the same manner as is now used when a person is claiming element credit for an expired Technician Class license and requesting an upgrade to General Class under provision 47 C.F.R. § 97.505(a)(4) and 47 C.F.R. § 97.501(b),(c) of the current rules, but no longer has a physical license to present.

The fact that the applicant will be required to fill out and sign a new application form that contains various certifications including the statement that the information he or she is offering is both true and correct will provide a legal basis for enforcement action should it become necessary. Attempting to obtain a new Amateur Radio license by fraudulent means is a federal offense, and there are appropriate penalties for such actions. I fully expect that an unqualified person would soon reveal themselves by their actions to other amateur radio licensees in their area who would then bring the discrepancy to the attention of the appropriate authorities. This is but one aspect of the "self policing" tradition of the amateur radio service.

Grace Period for Renewal of Licenses

Reduction of the current two-year grace period for renewal would be appropriate if, and only if, the proposal to allow permanent element credit is enacted. Expanding the grace period for renewal to a longer term, for example 10 years, could be a problem. No matter how long the grace period is, there will always be people who are "just outside" the window of opportunity, and would thus be discriminated against. The simplest solution is always the best, and allowing permanent element credit removes any ambiguities. Also, shortening the grace period makes it easier to purge the license database of deceased persons, or those who have actually decided to permanently discontinue their amateur radio activities, either of which could be an issue with an extended grace period for renewal. Allowing permanent element credit solves several problems, and creates no new difficulties.

There is no apparent reason that the grace period for renewal could not be different from the interval that is required before a call sign can be reassigned. The current 2-year interval seems appropriate.

The commission is also correct in stating that allowing permanent element credit would reduce the financial burden on persons seeking to again become licensed after a period of inactivity. The actual cost to obtain a new license under the present system can easily run into the hundreds of dollars if the costs of transportation to attend a distant examination session are factored in, but even the basic exam fees can be significant for some people,

such as retirees living on a fixed income. For such people, even 25 dollars can be a major expense, and could multiply quickly if the applicant was required to make more than one attempt at a new examination. The cost of obtaining a license should never be the factor that prevents an interested person from participating.

Credit for CSCE forms

At one time, a CSCE form was a valuable tool that could be used a sort of "place holder" to prove an applicant had passed some portion of the elements required for a new licensed or upgrade, as for example when a person had passed the written exam but not the required code test. However, that time has passed with the elimination of the Morse Code testing requirement (element 1 in various forms). The CSCE was also important during the time when it might take several days or even weeks between the passing of the exam and the issuance of the associated license. Those times have passed, and no one regrets their passing.

The CSCE of today serves only as a very temporary permit that allows an applicant to use his or her new privileges during the very brief time between when the element was passed and the license upgrade appears in the official ULS database. That time delay can sometimes be measured in minutes. The only other use for the CSCE is when an applicant has passed several elements in rapid succession, and the intervening license documents have not arrived via the US Mail. In any case, the useful "lifetime" of a CSCE in practical

terms is a few weeks at most, and often much less. Once the physical document arrives that reflects the new license or upgrade, the associated CSCE is just so much waste paper. Reliance on outdated CSCEs to prove that a person once passed a particular element could be a problem. The current FCC guidelines require that VECs retain their copies of CSCE forms for a period of 18 months, after which they can be destroyed. Also, there may not be any other form of record that can be consulted that would prove the existence of the original document, thus making verification difficult or impossible. Because of these realities, I do not recommend extending the term when a CSCE is valid, nor do I recommend reliance on copies of old CSCE documents as proof that an element has been passed at some previous date.

There should be no instances of a situation where a CSCE was issued that do not correspond with an actual license document being produced. The only circumstances that I can think of where a CSCE would be issued that does not correspond to a new license or upgrade would be if, within a 365 day period, a person passed either a code test but not the corresponding written exam for a particular class of license or vice versa. Such situations would be rare to start with, and could never happen since the advent of code-free licensing.

Retention of the rule that allows element credit for Technician Licensees licensed before March 21, 1987

There is still demand for General class upgrades based on this rule, but more importantly, if the rule change that permits permanent element credit is adopted, I expect that there will be significant numbers of applicants that had a Technician class at one time, which subsequently lapsed and was not renewed, who will be interested in taking advantage of this new program. It is logical to expect that a goodly number of these people will have been originally licensed before the March 21st, 1987 date. I therefore expect that most of these people will be looking to upgrade to General class via this path once they have a new Technician license in hand. I therefore recommend that the current provision that allows element 3 credit for Technician class licenses issued before March 21, 1987 be retained for the time being. This issue could be revisited in perhaps another 10 years to see if it is still being used to advantage by older applicants.

Issues concerning the number of volunteer examiners required and remote testing

The current rule that requires that three volunteer examiners observe each exam session has served us well, and I believe is an important factor in keeping improprieties to a low level. As a wise person once said, "Any two people can keep secret. Three people cannot". I do not support the idea of reducing the number of volunteer examiners from 3 to 2.

However, the possibility of remote testing opens up new questions. One of the primary reasons for considering remote testing of applicants, which implies that the applicant(s) and the volunteer examiners observing the session are not necessarily in the same location,

is the issue of testing applicants that are at some fairly large distance from a scheduled exam session. In the State of Alaska (and in other areas, such as the State of Hawaii, or one of the U.S. Possessions, or a remote U.S. Military or scientific exploration base), it is absolutely true that a prospective applicant could be literally hundreds, if not thousands of miles from the closest examination session. Transportation costs for the applicant (or a team of examiners) could easily run into the hundreds of dollars, and this does not include the expense of food and lodging for what could easily be a 2 to 5 day trip. Keep in mind that many communities in the State of Alaska and other locations not part of the contiguous 48 states are accessible only by air or water, there are no connected roads. Such communities often are served by aircraft or ocean ferries that operate only one or two time per week, sometimes less, and weather issues can and do sometimes stretch that interval into a month or more.

The Anchorage VEC, with the approval of the FCC, has conducted several experimental remote testing sessions over the past 5 or 6 years, testing single individuals or groups numbering up to 40 individuals per session. These sessions were set up so the entire session could be observed by 3 or more VEs in real time via video link. These same sessions also had one or more individuals (not necessarily licensed amateur radio operators) at the testing site that visually observed the process. There have been no issues with improper behavior observed or even attempted during any of these tests. The procedures we have developed to insure the secure transport of examination materials, including completed exam papers, to and from the exam session have been 100 percent effective and no discrepancies have occurred.

While in most cases there has been at least one licensed amateur radio operator available at the remote location to assist, even if that person is not a certified volunteer examiner, there have also been cases where there were no such personnel available. In those instances, the services of a responsible individual have been used as a "proctor" to monitor the session, and this person has been responsible for the correct conduct of the session. A responsible person has been defined for these purposes as any one of the following: (1) A military officer of the grade of U.S. Army Captain or higher grade (or equivalent rank in one of the other U.S. armed services), or (2) A sworn municipal police officer or Alaska State Trooper, or any other sworn State or Federal public law enforcement officer (such as an FBI agent), or (3) A local school administrator, such as a Principal. Remember that in these cases, there were still 3 qualified and certified volunteer examiners observing the entire session remotely via video and audio links. These same volunteer examiners were the ones that graded the completed examinations and issued the associated CSCE forms.

Examinations for various professional and civil positions as well as educational degrees have been conducted by "proctors" for various educational and industrial users for many years, and very few discrepancies have ever been observed. In any case, as long as clear and precise instructions are provided to the person overseeing the exam session, I see no reason why that person must be a certified volunteer examiner. Keep in mind that it is the responsibility of the Volunteer Examiner Coordinator that is sponsoring the remote testing exam session to exercise adequate control over the process. Enough has been learned by the experimental remote testing exam sessions conducted as of this date so that virtually all

potential problems have been discovered, and procedures have been developed to deal with such. It is the VEC that is ultimately responsible for the individuals they have certified as having met the qualifications for a new or upgraded license. They have been able to discharge that responsibility with remarkable success for the better part of 30 years. There is no reason to believe that the advent of remote testing is going to change the degree of seriousness that they attach to their tasks.

I do not agree that at least one certified volunteer examiner must be physically present at the remote testing location. With adequate safeguards, such a restriction can only be an unnecessary impediment to the remote testing process. If even one trained and certified volunteer examiner is available, I would certainly agree that they should be used to monitor and manage the testing session, but the lack thereof should not be a block to any person obtaining a license.

I believe that physical distance, particularly distances exceeding 200 miles from a testing session, should be considered much the same as any other physical difficulty, such as vision, hearing, or health issues. All are handicaps that can and must be dealt with, and none should prevent an interested individual from becoming a licensed amateur radio operator. There can be other impediments too, besides distance. A “remote” location can be only a few tens of miles away if you “cannot get there from here”. It should be left up to the individual VECs to establish their own policies as to what circumstances will qualify applicants for testing via the remote testing program. We have to trust people to know their own situations, and act accordingly and responsibly.

Emission types

I agree with the ARRL's proposal that additional emission types be permitted in the amateur service. However, I suggest that the current rules concerning authorized emission types are overly restrictive, and that serious consideration be given to the idea of modifying these rules. Because of rapidly advancing technology, it is a practical impossibility for written rules to keep up with new methods and applications. If specific restrictions on some emission types are needed, they can be listed. This should result in a much shorter list, without restricting newly developed emission types. In other words, list, in general terms,. what emission types or modes are prohibited, rather than the ones that are permitted.

I have no comments on other topics covered by this notice. Such lack of comment should not be considered disapproval of these topics.

Respectfully submitted by:

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